

STATE OF NORTH CAROLINA

File No.

19CR050558

Transylvania

County

Seat Of Court

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Defendant

CODY HAYDEN HENSON

Drivers License No.

State

Race

Sex

Date Of Birth

01/27/1992

Full Social Security No.

Age At Time Of Offense

Attorney For State

Benjamin Zellinger

Def. Found

Not Indigent

Def. Waived

Attorney

CONDITIONAL DISCHARGE UNDER G.S. 15A-1341(a4) (For Offenses Committed On Or After Dec. 1, 2016)

G.S. 15A-1341(a4)

Attorney For Defendant
Michael Edney

Appointed
 Retained

Crt Rptr Initials

The defendant was found guilty/responsible, pursuant to plea (pursuant to Alford) (of no contest) trial by judge trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
19CR050558	I	Cyberstalking	05/01/2018 - 05/31/2018	14-196.3(b)(2)	M	2

MOTION

Now come the State and defendant and jointly move the Court to defer further proceedings in the case(s) above and place defendant on probation pursuant to G.S. 15A-1341(a4) for the purpose of allowing defendant to demonstrate good conduct. In support of said motion, defendant after being duly sworn further states under oath that he/she has not previously been placed on probation.

Date 7/23/19 Signature Of Prosecutor BS

Signature Of Attorney For Defendant (if represented)

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date 7.23.19 Signature BS

Date 7/23/19

Signature Of Defendant (under oath) BS

Deputy CSC Assistant CSC Clerk Of Superior Court

District Court Judge Superior Court Judge

FINDINGS AND ORDER

Upon the foregoing Motion and a review of the record, the Court hereby

grants the Motion, based upon the following findings:

1. Each known victim of the crime has been notified of the motion for probation by subpoena or certified mail and given an opportunity to be heard.
2. The defendant has not been convicted of any felony or of any misdemeanor involving moral turpitude.
3. The defendant has not previously been placed on probation.
4. The defendant is unlikely to commit another offense other than a Class 3 misdemeanor.

denies the Motion. (optional) in its discretion. because: _____

DEFERRAL OF PROCEEDINGS AND PLACEMENT ON PROBATION

1. The Court, without entering a judgment of guilt, Orders that further proceedings in this matter be deferred and places the defendant on supervised unsupervised probation for 18 months (max. of 2 years, G.S. 15A-1342(a)) as provided for a community punishment. Intermediate punishment (AOC-CR-603D, Page Two, required).
2. The Court finds that it is NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
3. The Court finds that a longer shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
4. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
5. Upon violation of a term or condition of probation by the defendant, the Court reserves the authority to enter an adjudication of guilt and proceed as otherwise provided against the defendant. Upon fulfillment of the terms and conditions by the defendant, the Court shall discharge the defendant and dismiss the proceedings against the defendant.
6. Except as ordered to appear earlier for a hearing on alleged violation(s) or as otherwise ordered by the Court, the defendant shall return to this Court on (date) 6/26/2020 for a hearing to determine fulfillment of the terms and conditions of probation.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule determined by the probation officer. set out by the court as follows: _____

Costs	Fine	Restitution*	Attorney's Fees	Comm Serv Fee	EHA Fee	Appt Fee/Misc	Total Amount Due
\$ 200.00	\$	\$	\$	\$	\$	\$	\$ 200.00

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- The Court finds just cause to waive costs, as ordered on the attached AOC-CR-618. Other: _____
- Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device, or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court. (5) Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records.

If the defendant is on supervised probation, the defendant shall also: (6) Not abscond, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer. (7) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (8) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (9) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (10) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. (11) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (12) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used. (13) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction and Juvenile Justice for the actual costs of drug or alcohol screening and testing. (14) (applies only if judgment deferred for felony) Waive all rights relating to extradition proceedings if taken into custody outside of this State for failing to comply with the conditions imposed by the court.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

15. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
17. Complete _____ hours of community service during the first _____ days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is
 not due because it is assessed in a case adjudicated during the same term of court.
 to be paid pursuant to the schedule set out under Monetary Conditions on the reverse. within _____ days of this Conditional Discharge and before beginning service.
18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment, or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with Kelsey Henson _____ "Contact" includes any defendant-initiated contact, direct or indirect, by any means, including, but not limited to, telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
20. Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of _____ days, months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
21. Other:
 Defendant must receive a mental health assessment and comply with any follow-up treatment. Defendant shall not possess any firearms during the term of probation.

22. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603D, Page Two.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge
07/23/2019	Robert L. Maynard	R. L. Maynard

CERTIFICATION BY CLERK

I certify that this Conditional Discharge Under G.S. 15A-1341(a4) and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

1. Judgment Suspending Sentence (AOC-CR-603D, Page Two) (additional conditions of probation)
 2. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
 3. Additional File No.(s) And Offense(s) (AOC-CR-626)
 4. Other:

Date	Name (type or print)	Signature Of Clerk	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk Of Superior Court	SEAL

NOTE TO CLERK: Upon entry of a final order discharging the defendant and dismissing the charge(s) against him/her, forward a certified copy of this Conditional Discharge and the dismissal order (AOC-CR-635 or other order) to the Administrative Office of the Courts at NCAOC, Records Officer - Court Services Division, PO Box 2448, Raleigh, NC 27602.

Material opposite unmarked squares is to be disregarded as surplusage.

STATE VERSUS

File No.

Name Of Defendant

NOTE: Use this page with AOC-CR-603D, "Judgment Suspending Sentence - Felony"; AOC-CR-604D, "Judgment Suspending Sentence - Misdemeanor"; AOC-CR-619D, "Conditional Discharge Under G.S. 90-96(a)"; AOC-CR-621D, "Conditional Discharge Under G.S. 14-50.29"; AOC-CR-627D, "Conditional Discharge Under G.S. 90-96(a1)"; AOC-CR-628D, "Conditional Discharge Under G.S. 14-204(b)"; AOC-CR-632D, "Conditional Discharge Under G.S. 15A-1341(a4)"; or AOC-CR-633D, "Conditional Discharge Under G.S. 15A-1341(a5)"; for offenses committed on or after Dec. 1, 2016.

COMMUNITY AND INTERMEDIATE PROBATION CONDITIONS - G.S. 15A-1343(a1)

In addition to complying with the regular and any special conditions of probation set forth in the "Judgment Suspending Sentence" entered in the above case(s), the defendant shall also comply with the following conditions of probation, which may be imposed for any community or intermediate punishment.

1. Submit to house arrest with electronic monitoring, remain at the defendant's residence for a period of days, months, abide by all rules, regulations, and directions of the probation officer regarding such monitoring, and pay the fees prescribed in G.S. 15A-1343(c) as provided under Monetary Conditions. The defendant may leave the residence for the following purpose(s) and as otherwise permitted by the probation officer: employment counseling a course of study vocational training.
Other:

2. Complete hours of community service during the first days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is
 not due because it is assessed in a case adjudicated during the same term of court.
 to be paid pursuant to the schedule set out under Monetary Conditions in the "Judgment Suspending Sentence." within days of this judgment and before beginning service.
Other:

3. Submit to the following period(s) of confinement in the custody of the Sheriff of this County. (other local confinement facility). and pay jail fees. The defendant shall report in a sober condition to serve the term(s) indicated below.

NOTE: Periods of confinement imposed here must be for two-day or three-day consecutive periods, only, for no more than six days in a single month, and in no more than three separate months during the period of probation. To impose special probation under G.S. 15A-1351, see INTERMEDIATE PUNISHMENTS, below.

Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days
Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days
Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	for	<input type="checkbox"/> 2 days <input type="checkbox"/> 3 days

4. Obtain a substance abuse assessment, monitoring, or treatment as follows:

5. Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of days, months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.
 6. Participate in an educational or vocational skills development program as follows:

7. Submit to satellite-based monitoring, if required on the attached AOC-CR-615, Side Two.

INTERMEDIATE PUNISHMENTS

In addition to complying with the regular and any special, community, or intermediate conditions of probation set forth in the "Judgment Suspending Sentence" or herein for the above case(s), the defendant shall also comply with the following intermediate punishment(s) under G.S. 15A-1340.11(6).

 1. Special Probation - G.S. 15A-1351

For the defendant's active sentence as a condition of special probation, the defendant shall comply with these additional regular conditions of probation: (1) Obey the rules and regulations of the Division of Adult Correction and Juvenile Justice governing the conduct of inmates while imprisoned. (2) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- A. Serve an active term of days months hours in the custody of the N.C. DACJJ. Sheriff of this County. Other: _____

(NOTE: Noncontinuous periods of special probation may not be served in DACJJ. Also, special probation imposed in misdemeanor sentences on or after Oct. 1, 2014, may not be served in DACJJ.)

- B. The defendant shall report in a sober condition to begin serving his/her term on:

Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM	and shall remain in custody until:	Day	Date	Hour	<input type="checkbox"/> AM <input type="checkbox"/> PM
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- C. The defendant shall again report in a sober condition to continue serving this term on the same day of the week for the next consecutive weeks, and shall remain in custody during the same hours each week until completion of the active term ordered.

- D. This term shall be served at the direction of the probation officer within days months of this judgment.

- E. Pay jail fees. F. Work release is recommended. G. Substance abuse treatment is recommended.

- H. Other: _____

 2. Drug Treatment Court - G.S. 15A-1340.11(3a); 15A-1340.11(6)

Comply with the rules adopted for the program as provided for in Article 62 of Chapter 7A of the General Statutes and report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

Other:

INTERMEDIATE CONDITIONS OF PROBATIONS - G.S. 15A-1343(b4)

If subject to intermediate punishment, the defendant shall, in addition to the terms and conditions imposed above, comply with the following intermediate conditions of probation. (1) If required by the defendant's probation officer, perform community service under the supervision of the Section of Community Corrections, and pay the fee required by G.S. 143B-708, but no fee shall be due if the Court imposed community service as a special condition of probation and assessed the fee in this judgment or any judgment for an offense adjudicated in the same term of court. (2) Not use, possess, or control alcohol. (3) Remain within the defendant's county of residence unless granted written permission to leave by the court or the defendant's probation officer. (4) Participate in any evaluation, counseling, treatment, or educational program as directed by the probation officer, keeping all appointments by abiding by the rules, regulations, and direction of each program.

Material opposite unmarked squares is to be disregarded as surplusage.

(Over)

MANDATORY SPECIAL CONDITIONS FOR SEX OFFENDERS AND PERSONS CONVICTED OF OFFENSES INVOLVING PHYSICAL, MENTAL, OR SEXUAL ABUSE OF A MINOR - G.S. 15A-1343(b2)

NOTE: The following are not defined as intermediate punishments under G.S. 15A-1340.11(6).

NOTE: Select only one of the three sets of conditions below.

1. Special Conditions For Reportable Convictions - G.S. 15A-1343(b2)

NOTE: Impose only for a reportable conviction under G.S. 14-208.6.

The defendant has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4) and must

- Register as a sex offender and enroll in satellite-based monitoring if required on the attached AOC-CR-615, Side Two.
- Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- (If the Court finds physical, mental, or sexual abuse of a minor)* Not reside in a household with
 - (1) (for sexual abuse) any minor child.
 - (2) (for physical or mental abuse) any minor child other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. *(Name minor child(ren) with whom the probationer may reside in the same household):* _____
- Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- Other: _____

2. Special Conditions For Offenses Involving The Sexual Abuse Of A Minor - G.S. 15A-1343(b2)

NOTE: Impose if offense involved sexual abuse of a minor but is not a reportable conviction.

The defendant has been convicted of an offense involving the sexual abuse of a minor and must

- Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- Not reside in a household with any minor child. (G.S. 15A-1343(b2)(4))
- Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- Other: _____

3. Special Conditions For Offenses Involving The Physical Or Mental Abuse Of A Minor - G.S. 15A-1343(b2)

NOTE: Impose if offense involved physical or mental abuse of a minor but is not a reportable conviction and did not involve sexual abuse.

The defendant has been convicted of an offense involving the physical or mental abuse of a minor and must

- Participate in such evaluation and treatment as is necessary to complete a prescribed course of psychiatric, psychological, or other rehabilitative treatment as ordered by the court.
- Not communicate with, be in the presence of, or found in or on the premises of the victim of the offense.
- Not reside in a household with
 - (1) any minor child.
 - (2) any minor child other than the child(ren) named below, for whom the court expressly finds that it is unlikely that the defendant's harmful or abusive conduct will recur and that it would be in the best interest of the child(ren) named below to reside in the same household with the probationer. *(Name minor child(ren) with whom the probationer may reside in the same household):* _____
- Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, of the defendant's vehicle and premises, and of the defendant's computer or other electronic mechanism which may contain electronic data, while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: child pornography

- Other: _____

ADDITIONAL CONDITIONS FOR DOMESTIC VIOLENCE

1. Pursuant to its finding that the defendant is responsible for acts of domestic violence, the Court further finds that:
- a. there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, who shall:
 - (1) *(for supervised probation)* attend and complete *(check one)* *(program name)* *Safe Program*
 - a program to be identified by the probation officer, and abide by the program's rules. The probation officer shall send a copy of this judgment to the program, which shall notify the officer if the defendant fails to participate or is discharged for violating any of its rules.
 - (2) *(for unsupervised probation)* attend and complete *(check one)* *(program name)*
 - a program chosen by the defendant, who shall notify the program and the district attorney of that choice within ten (10) days of the entry of this judgment, and abide by the program's rules. The district attorney shall send a copy of this judgment to the program, which shall notify the district attorney if the defendant fails to participate or is discharged for failure to comply with the program or its rules.
- b. there is no approved abuser treatment program reasonably available. c. it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____
2. As additional Special Conditions of Probation, the defendant shall:
 - a. not come within _____ feet of _____ at any time.
 - b. comply fully with any G.S. Chapter 50B Domestic Violence Protective Order in effect.

The above conditions are incorporated in the "Judgment Suspending Sentence" in the above case(s) and made a part thereof.

Date 07/23/14	Name Of Presiding Judge (type or print) ROBERT K. MAPPIN	Signature Of Presiding Judge RK Mappin
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Material opposite unmarked squares is to be disregarded as surplusage.

DOMESTIC VIOLENCE STATEMENT OF GUILT

I, CODY HAYDEN HENSON, HEREBY ACKNOWLEDGE MY GUILT to the offense of Cyberstalking (N.C.G.S. 14-196.3b2) between May 1, 2018 and May 31, 2018, in Criminal Case Number 19CR050558. I am represented by an attorney Michael Edney, or have signed waiver of counsel and am representing myself. It has been explained to me and I understand that I have the right to remain silent and refrain from making any statement about the offense, and that any statement I do make can and will be used against me at a trial of this matter in the event that I am terminated from this Conditional Discharge Agreement for any violation of its requirements. I freely and voluntarily choose to make the following statement, waive my right to remain silent accordingly, and waive any objections I may have to the admission of this statement against me in any trial I have with respect to these charges.



6/13/19

Defendant/Date



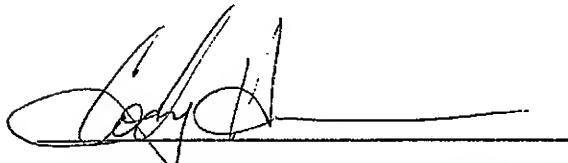
6/13/19

Defense Counsel/Date

Witness/Date

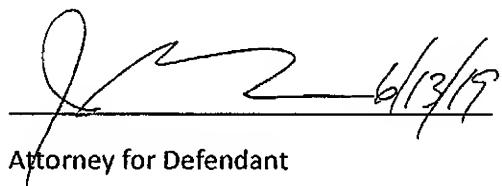
ADDITIONAL SPECIAL CONDITIONS OF PROBATION (CONDITIONAL DISCHARGE)

- A. There shall be no travel restrictions which will interfere with the defendant's ability to continue his position (employment) as a North Carolina State Representative, including his work in Raleigh, and any potential, organized, Out of State legislative meeting, conferences or fact-finding trips. Defendant's obligation will be to provide his probation officer with reasonable notice of any travel.
- B. Should the Defendant and Kelsey Henson decide that different or modified "contact" between the parties is in the best interest of the minor children, Defendant's "contact" with Kelsey Henson may be modified by a Judge of the District Court division, but only after reasonable notice and opportunity to be heard to the Office of the Attorney General.
- C. When this matter is reviewed, approximately one year from this date, the Court may, in it's discretion, transfer the defendant to unsupervised probation.



Cody Hayden Henson

06/13/2020



6/13/19

Attorney for Defendant